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Denny's, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MONICA HINOSTROZA,

Plaintiff,

VS.

DENNY'S, INC., d/b/a DENNY'S  
RESTAURANT, a Foreign corporation, DOES 1  
through 20; ROE BUSINESS ENTITIES 1  
through 20, inclusive jointly and severally,

## Defendants.

CASE NO.: 2:17-cv-02561-RFB-NJK

**STIPULATION AND ORDER TO EXTEND  
CURRENT DISCOVERY DEADLINES I  
COMPLIANCE WITH LOCAL RULE 26-4**

IT IS HEREBY STIPULATED by and between Plaintiff Monica Hinostroza and Defendant Denny's, Inc., d/b/a Denny's Restaurant, by and through their respective counsel of record, and hereby stipulate to extend all current deadlines by 60-days. Pursuant to Local Rule 6-1(b), the parties state that this is their first request for extension of discovery deadlines.

## **REASONS FOR NECESSITY OF STIPULATION**

The parties stipulate that because Plaintiff's counsel fell and broke her ankle on February 22, 2018. Counsel's personal injury has delayed this matter and as a professional courtesy, Defendant has agreed to continue discovery 60 days.

Furthermore, neither Plaintiff's counsel nor Plaintiff have availability for deposition through March of 2018. This testimony is necessary for the formulation of expert opinions.

1 As a result of counsel's injury and the questions about the reasons for the fall, the parties  
2 agree to extend all current deadlines by 60-days in compliance with Local Rule 26-1(e) and Local  
3 Rule 26-4. The parties have good cause for seeking this extension of the deadlines. This request for  
4 extension is made by the parties and is made in good faith and not for the purpose of delay, but to allow  
5 all parties sufficient time to conduct necessary discovery.

6 **DISCOVERY COMPLETED**

- 7 • Denny's Inc. exchanged FRCP 26(a) disclosures on November 9, 2017.
- 8 • Plaintiff exchanged FRCP 26(a) disclosures on November 15, 2017.
- 9 • Denny's Inc. propounded its first set of written discovery on Plaintiff November 9, 2017.
- 10 • Plaintiff propounded written discovery on Denny's Inc. on December 6, 2017.
- 11 • Plaintiff requested a site inspection and outlined his proposed FRCP 30(b)(6) topics to  
Denny's Inc.'s counsel.
- 12 • Denny's Inc. and Plaintiff have been diligently requesting Plaintiff's medical records.
- 13 • The parties stipulated on December 27, 2017 to continue discovery.
- 14 • Plaintiff responded to Denny's Inc.'s first set of written discovery on January 19, 2018.
- 15 • Denny's Inc. responded to Plaintiff's first set of written discovery on February 13, 2018.
- 16 • On February 6, 2018, the parties stipulated to allow a site inspection of the Subject Property  
on March 1, 2018.
- 17 • On February 14, 2018, Denny's Inc. proposed its proposed stipulation for a protective order /  
confidentiality agreement.
- 18 • On February 15, 2018, Denny's Inc. disclosed its First Supplemental Supplement to its Rule  
26(a) disclosures. This included 739 pages of documents.
- 19 • On February 26, 2018, Plaintiff's counsel reported her injury to defense counsel and the  
current stipulation was agreed to.

20 **DISCOVERY PENDING**

- 21 • Denny's Inc. anticipates taking the deposition of Plaintiff, Jose Hinostroza, and Plaintiff's  
treating physicians in Boston Massachusetts;
- 22 • Plaintiff anticipates taking an FRCP 30(b)(6) deposition(s) of Denny's Inc.;

- Denny's Plaintiff's participant witness depositions who are likely out of state;
- Plaintiff anticipates taking the depositions of Denny's Inc.'s Expert Witness(es); and
- Denny's Inc. anticipates taking the depositions of Plaintiff's Expert Witness(es).

## **[PROPOSED] NEW DISCOVERY DEADLINES**

<b>Last day to Amend and Add new Parties.....</b>	<b>May 3, 2018</b>
<b>Expert Disclosure Deadline .....</b>	<b>June 5, 2018</b>
<b>Joint Interim Status Report Deadline .....</b>	<b>June 5, 2018</b>
<b>Rebuttal Expert Disclosure Deadline .....</b>	<b>July 6, 2018</b>
<b>Extension or Modification of the DP-SO .....</b>	<b>July 11, 2018</b>
<b>Discovery Cut-Off Date .....</b>	<b>August 3, 2018</b>
<b>Dispositive Motion Deadline .....</b>	<b>August 31, 2018</b>
<b>Proposed Joint Pre-Trial Order .....</b>	<b>October 2, 2018</b>

If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline.

DATED this 28<sup>th</sup> day of February, 2018.

DATED this 28<sup>th</sup> day of February, 2018.

## HALL, JAFFE & CLAYTON

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Monica Hinostroza*

## ORDER

## **IT IS SO ORDERED.**

Dated March 1

UNITED STATES MAGISTRATE JUDGE